
A BILL FOR AN ACT

RELATING TO CONSERVATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 173A, Hawaii Revised Statutes, is
2 amended by adding three new sections to be appropriately
3 designated and to read as follows:

4 "§173A-A Legacy land conservation commission. (a) There
5 is established within the department of land and natural
6 resources a legacy land conservation commission. The commission
7 shall consist of nine members, with at least one member from
8 each of the counties, who shall be appointed in the manner and
9 serve for the term set forth in section 26-34 as follows:

10 (1) Four of the members of the commission shall be persons
11 possessing scientific qualifications as evidenced by
12 an academic degree in wildlife or marine biology,
13 botany, forestry, ecology, resource management,
14 biogeography, zoology, or geology;

15 (2) One member shall be a person possessing membership in
16 an environmental organization organized in the State;



1 (3) One member shall be a person possessing membership in
2 a land conservation organization organized in the
3 State;

4 (4) One member shall be a person possessing membership in
5 a statewide agricultural association; and

6 (5) One member shall be a person knowledgeable about
7 native Hawaiian culture.

8 The chairperson of the natural area reserves system commission
9 shall serve as an ex officio voting member and the chairperson
10 of the commission. The members shall receive no compensation
11 for their services on the commission but shall be entitled to
12 reimbursement for necessary expenses, including travel expenses,
13 incurred in the discharge of their duties.

14 (b) Any action taken by the commission shall be by a
15 simple majority of its members. Five members of the commission
16 shall constitute a quorum.

17 (c) Except as otherwise provided in this chapter, the
18 commission shall be subject to sections 26-34, 26-35, 26-35.5,
19 and 26-36.

20 (d) The commission may adopt rules pursuant to chapter 91
21 to carry out its duties.



1 following lands priority in its recommendations for
2 acquisitions:

3 (1) Lands having exceptional value due to the presence of:

4 (A) Unique aesthetic resources;

5 (B) Unique and valuable cultural or archaeological
6 resources; or

7 (C) Habitats for threatened or endangered species of
8 flora, fauna, or aquatic resources;

9 (2) Lands that are in imminent danger of development;

10 (3) Lands that are in imminent danger of being modified,
11 changed, or used in a manner to diminish its value;

12 (4) Lands providing critical habitats for threatened or
13 endangered species that is in imminent danger of being
14 harmed or negatively impacted;

15 (5) Lands containing cultural or archaeological sites or
16 resources that are in danger of theft or destruction;
17 and

18 (6) Lands that are unique and productive agricultural
19 lands."

20 SECTION 2. Section 173A-1, Hawaii Revised Statutes, is
21 amended by adding a new definition to be appropriately inserted
22 and to read as follows:



1 "Legacy land commission" or "commission" means the legacy
2 land conservation commission established in section 173A-A."

3 SECTION 3. Section 173A-3, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§173A-3[+] **Resource land acquisition plan.** [~~The~~] In
6 consultation with the commission, the department [may] shall
7 prepare and from time to time revise a plan, utilizing the
8 priorities set forth in section 173A-C, for the acquisition of
9 land having value as a resource to the State. This plan shall
10 guide the board in acquiring such land in the exercise of its
11 powers under this chapter. In preparing this plan, the
12 department may institute studies relating to the need for such
13 land[-] and shall consider any plan relating to the acquisition
14 of such land [~~which~~] that has been prepared by any state or
15 county agency[-] or the commission."

16 SECTION 4. Section 173A-4, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[+]§173A-4[+] **Authority to acquire and convey.** (a)
19 [~~Subject to the approval of the governor,~~] In consultation with
20 the commission, the board may acquire, by purchase, gift, or the
21 exercise of the power of eminent domain as authorized by chapter



1 101, any land having value as a resource to the State. Such
2 acquisition is hereby declared to be for a public use.

3 Any land acquired under this section shall be subject to
4 disapproval by the legislature by two-thirds vote of either the
5 senate or the house of representatives or by majority vote of
6 both in any regular or special session following the date of the
7 exchange. The department shall submit for introduction to the
8 legislature a resolution twenty days prior to the start of any
9 regular or special session. The resolution shall contain a list
10 of all acquisitions made by the board along with the following
11 information:

12 (1) The location and area of the parcels acquired;
13 (2) The value of the lands acquired;
14 (3) The name or names of the appraiser or appraisers; and
15 (4) The date of the appraisal, which shall not be more
16 than six months before the date the board acquired the
17 land.

18 (b) The board [~~may~~], subject to chapter 171, in
19 consultation with the commission, and with the approval of the
20 [~~governor,~~] legislature, may sell, lease, or otherwise convey
21 any such land subject to terms and conditions [~~which~~] that it
22 deems appropriate and [~~which~~] that will [~~insure~~] ensure that the



1 transferee will not use the land in a manner [~~which~~] that is
2 inconsistent with the purposes for which it was acquired by the
3 board. Such terms and conditions shall run with the land and
4 shall be binding on the transferee's heirs, successors, and
5 assigns. The board may seek enforcement of such terms and
6 conditions in any court of appropriate jurisdiction."

7 SECTION 5. Section 173A-5, Hawaii Revised Statutes, is
8 amended by amending subsection (h) to read as follows:

9 "(h) Based on applications from state agencies, counties,
10 and nonprofit land conservation organizations, the department,
11 after reviewing the advice and recommendations of the
12 commission, shall recommend to the board specific parcels of
13 land to be acquired, restricted with conservation easements, or
14 preserved in similar fashion. The board shall review the
15 selections and approve or reject the selections according to the
16 availability of moneys in the fund. To be eligible for grants
17 from the fund, state and county agencies and nonprofit land
18 conservation organizations shall submit applications to the
19 department that contain:

- 20 (1) Contact information for the project;
21 (2) A description of the project;
22 (3) The request for funding;



- 1 (4) Cost estimates for acquisition of the interest in the
2 land;
- 3 (5) Location and characteristics of the land; and
- 4 (6) Other similar, related, or relevant information as may
5 be determined by the department.

6 The department shall submit a report listing the board's
7 acceptance or rejection of the commission's advice and
8 recommendations to the legislature twenty days before the start
9 of each regular session."

10 SECTION 6. Section 173A-9, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§173A-9 Grants to state agencies, counties, and nonprofit**
13 **land conservation organizations.** [~~Subject~~] After consultation
14 with the commission and subject to the approval of the governor,
15 the board may make grants to state agencies, counties, and
16 nonprofit land conservation organizations from available funds
17 for the purchase or acquisition of interests or rights in land
18 having value as a resource to the State, whether in fee title or
19 through the purchase of permanent conservation easements under
20 chapter 198, and approved for purchase or acquisition by the
21 board. Any land so acquired by any state agency or county may
22 be sold, leased, or otherwise disposed of, subject to chapter



1 171, with the prior written approval of the board. Any land
2 acquired by any nonprofit land conservation organization under
3 this chapter may be sold, leased, or otherwise disposed of with
4 the prior written approval of the board. Any permanent
5 conservation easement established under this section that
6 includes partnership with a federal land conservation program
7 may be transferred only as provided by rules of the federal
8 program."

9 SECTION 7. In codifying the new sections added by section
10 1 of this Act, the revisor of statutes shall substitute
11 appropriate section numbers for the letters used in designating
12 the new sections in this Act.

13 SECTION 8. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 9. This Act shall take effect upon its approval.



Report Title:

Department of Land and Natural Resources; Land Conservation Fund

Description:

Creates a legacy land conservation commission to assist DLNR and BLNR in administering the land conservation fund; establishes priorities for land and easement acquisitions with moneys in the fund. (SD1)

